

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:10-cv-290-MR-DSC**

JOHN P. WALKER and DONNA S. WALKER,
Co-Trustees of the 2004 Walker Family Trust,

Plaintiffs,

vs.

QUEENS GAP MOUNTAIN, LLC, a North Carolina limited liability company; DEVINSHIRE LAND DEVELOPMENT, LLC, a North Carolina limited liability company; QUEENS GAP ACQUISITION, LLC, a Delaware limited liability company; COVE CREEK, LLC, a North Carolina limited liability company; D.F. MCCARTHY INVESTMENTS XVIII, LLC, an Ohio limited liability company; QUEENS GAP HOLDING COMPANY, LLC, an Ohio limited liability company; DEVIN MCCARTHY, individually and as Trustee of the DEVIN F. MCCARTHY REVOCABLE TRUST dated September 14, 1994; JANIS L. MCCARTHY, individually and as Trustee of the DEVIN F. MCCARTHY REVOCABLE TRUST dated September 14, 1994; and KEITH VINSON, individually,

Defendants.

ORDER

THIS MATTER is before the Court on “Plaintiffs’ Motion to Allow Discovery” (document #38) and “Memorandum ... in Support ...” (document #39), both filed December 5, 2011.

On September 14, 2011, the Honorable Martin Reidinger, the District Judge to whom this case is assigned, granted Defendants’ “Motion to Compel Arbitration and to Stay Proceedings.” See “Order” (document #37).

In their current Motion, Plaintiffs ask the Court in its discretion to allow them to conduct

discovery prior to arbitration. The undersigned has consulted with Judge Reidinger's chambers and concludes that any necessary discovery may be conducted as part of the arbitration proceeding.

For these reasons, "Plaintiffs' Motion to Allow Discovery" (document #38) is **DENIED**.

The Clerk is directed to send copies of this Order to the parties' counsel and to the Honorable Martin Reidinger.

SO ORDERED.

Signed: December 5, 2011



David S. Cayer
United States Magistrate Judge

